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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,993

11/17/2003

Mitsuhiro Sugeta

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EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,993	SUGETA, MITSUHIRO	
	Examiner	Art Unit	
	Cheukfan Lee	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims are pending. Claims are independent.

2. 35 U.S.C. 101 reads as follows:

whoever invents or discovers the any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claims 5, 7 and 8 each recites in the preamble "A computer-readable program which is used to control an image reading apparatus ...". The "computer-readable program" is non-statutory subject matter. In order to be statutory, the proper preamble should be changed to read as follows, as an example:

-- A computer program embodied in a computer-readable storage medium ... --.

Claim 6 is rejected as being dependent on rejected claim 5.

4. Claims 1-4 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1, 3 and 4 are allowable over the prior art of record. The prior art Kumagai et al. (U.S. Patent No. 6,600,579) discloses an image reading apparatus having a dirt detecting/image analyzing section (115) for detecting the existence of dirt

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by generating a histogram showing relationships between a reflectance and the number of pixels exhibiting the reflectance, wherein when there is a pixel exhibiting a reflectance which is smaller than a threshold, it may be judged that dirt exists on the original glass plate (3) (col. 4, lines 22-31), and in response to the detection result that dirt exists in the reading position on the original glass plate (3), a reading position where no dirt exists is selected by moving the reflecting mirror (10) by the mirror driving section (129) in the direction of the arrow (14) in Fig. 1 (Fourth and Fifth Embodiments, Fig. 12 and Fig. 13, respectively, col. 6, line 30 – col. 7, line 45, also col. 3, lines 25-27 for mirror driving section 129). However, it is not clear from Kumagai et al. how “a reading position where no dirt exists” is derived before selecting that position as a reading position for the mirror driving section (129) to move the mirror (10) to. In other words, Kumagai et al. does not seem to disclose a setting unit to set a line as a reading line corresponding to the claimed “the reading line” in the manner claimed in each of claims 1, 3 and 4.

Claim 2 depends on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nabeshima et al. (U.S. Patent No. 5,930,008), "Image reading device and method", Figs. 3a and 3b

Okawa (U.S. Patent Application Publication No. US 2007/0002393 A1) discloses a dust detection processing section (805) for detecting a dust pixel of dust on the original platen glass (201) from the image of a feed belt (607), a dust number counting processing section (806) for counting the number of dust pixels detected by the section (805), and a dust correction section for correcting image data of an original by interpolation with surrounding/neighbor pixels (Fig. 12). However, Okawa filed in the U.S. on Jun. 28, 2006 has a publication date Jan. 4, 2007, which is later than the effective filing date of the present application.

Saka et al. (U.S. Patent Application Publication No. US 2006/0066921 A1) discloses an image reading apparatus reading an original while transporting the same, for detecting noise pixels corresponding to dust on the original platen glass, and having a noise length predictor for predicting the length of noise in the sub scanning direction.

Fukuda et al. (U.S. Patent Application Publication No. US 2003/0090742 A1) discloses an image processing apparatus having an abnormal pixel detecting part for detecting the position of the abnormal pixel caused by dust (and others) lying on a

contact glass for the document, and an abnormal pixel correcting part for correcting image data read from the original. However, Fukuda et al. having a U.S. filing date Oct 25, 2002 was published on May 15, 2003, which is later than the effective U.S. filing date March 15, 2002 of the present application.

Takeda (Japanese Publication No. 09-009011) discloses a picture reader having a detector for detecting the existence of dust on a document glass stand and a back sheet based on the output of the black pixel counter, and an automatic maintenance notification unit (9) for outputting a message indicating that cleaning is needed. Takeda does not set a reading line as claimed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
June 23, 2007